

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
RUDY RIVERA RIVERA

CASE NO. 10-02002-BKT

CHAPTER 13

DEBTOR (S)

**AMENDED TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$6,140.00**

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,854.00 Fees paid: \$0.00 Fees Outstanding: \$2,854.00
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With respect to the proposed (amended) Plan dated: **April 14, 2010** (Dkt 19).

Plan Base: **38,400.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded to pay 100% of §507 priority claims.[§1322(a)(2)]

The plan is insufficiently funded to pay priority claims for IRS, PR Treasury and Maribel Vázquez. The minimum required base is of \$52,000.

- Feasibility: Default in Post Petition DSO payments. [§1325(a)(8)]

Debtor has failed to provide evidence of being up to date with post-petition DSO payments.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

Debtor has failed to provide the following evidence, requested by the Trustee on April 26, 2010: (1) evidence of business-related expenses, purportedly diminishing his disposable income; (2) evidence of the Court Order allegedly fixing Debtor's DSO obligation at \$1,000; (3) evidence of the \$608.43 expense listed in line 30 of Form 22C, so as to reduce Debtor's disposable income in such amount; and (4) evidence of having filed CRIM's property tax returns from 2006 through 2009.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 21, 2010.

/s/ Jose R. Carrion

/s/ Carlos Alsina -Staff Attorney

JOSE R. CARRION
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